

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

WILLIAM JUSTIN VASSAR, )  
vs. )  
Plaintiff, )  
CITY OF GUTHRIE )  
POLICE DEPT., *et al.*, )  
Defendants. )  
No. CIV-18-276-C

## ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Bernard M. Jones. Judge Jones entered a Report and Recommendation (“R&R”) on April 20, 2018, to which Plaintiff has timely objected.

The facts and law are accurately set out in the Magistrate Judge’s R&R and there is no purpose to be served in repeating them yet again. As Judge Jones noted, Plaintiff cannot pursue his claims against the City of Guthrie Police Department, as that is not a suable entity under § 1983. Further, the Court is barred from considering any of Plaintiff’s claims by the Younger<sup>1</sup> abstention doctrine. Even were Plaintiff permitted to amend his case to bring claims against the City of Guthrie rather than its police department, he would still be barred from proceeding at this time by the Younger abstention doctrine. Plaintiff’s

<sup>1</sup> Younger v. Harris, 401 U.S. 37 (1971).

argument that the state trial court has rejected his claims does not alter the outcome, as additional state forums exist which may provide redress.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 10). This matter is stayed pending final disposition of Plaintiff's criminal case. The Court Clerk is directed to administratively close this action. Plaintiff may request it be reopened consistent with this Order.

IT IS SO ORDERED this 6th day of June, 2018.



ROBIN J. CAUTHRON  
United States District Judge